



**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA

V.

MARCUS HERNANDEZ

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§

CASE NO. 1:09-CR-146(2)


**MEMORANDUM ORDER
ADOPTING FINDINGS OF FACT AND RECOMMENDATION
ON DEFENDANT'S GUILTY PLEA**

The Court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, for administration of a guilty plea under Rules 11 and 32 of the Federal Rules of Criminal Procedure. Judge Giblin conducted a hearing in the form and manner prescribed by Federal Rule of Criminal Procedure 11 and issued his *Findings of Fact and Recommendation on Guilty Plea Before the United States Magistrate Judge* [Doc. #175]. The magistrate judge recommended that the Court accept Defendant's guilty plea and conditionally accept the plea agreement. He further recommended that the Court finally adjudge Defendant as guilty on Count One of the charging Superseding Indictment filed against Defendant in this cause.

The parties have not objected to the magistrate judge's findings. The Court is of the opinion that the *Findings of Fact and Recommendation on Guilty Plea* should be accepted. It is, therefore, **ORDERED** that the *Findings of Fact and Recommendation on Guilty Plea* [Doc. #175] of the

United States Magistrate Judge is **ADOPTED**. The Court defers acceptance of the plea agreement until after review of the presentence report. It is further **ORDERED** that, in accordance with Defendant's guilty plea and the magistrate judge's findings and recommendation, Defendant, Marcus Hernandez, is hereby adjudged as guilty on **Count One** of the charging **Superseding Indictment** charging violations of Title 21, United States Code, Section 846.

SIGNED this the **20** day of **September, 2010**.


Thad Heartfield
United States District Judge